

Remarks

Claims 1-4, 23-38, 42-43 and 47-50 will be pending upon entry of the present amendments. Applicant gratefully acknowledges the Examiner's holding that claims 1-4, 23-38 and 42-43 are allowed.

Claim 1 has been amended as an independent claim, and is supported in claim 1 as originally filed and in the Figures, such as in compounds 3 and 66. Claims 2, 26, and 31 have been amended only to correct minor typographical errors and for clarity, and these amendments do not affect the substance of the claims. Claim 23 has been amended to correct a typographical error in one of the substituents when R¹² is a substituted aryl; this amendment is supported in compound 95 (see Figures). Claims 38 and 43 are amended for clarity, and are supported in paragraph [0140] of the specification. New dependent claims 47-50 covering compounds falling within the scope of independent claims 1 and 23 have been added. None of the amendments contain new matter.

Rejections under 35 U.S.C. § 112

Claims 39 and 44 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. Furthermore, claims 40, 41, 45 and 46 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. To expedite prosecution, claims 39-41 and 44-46 have been canceled without prejudice, rendering these rejections moot.

Identification of Applications Having a Common Owner and at Least One Common Inventor under 37 CFR § 1.78(f)(1)

The present application has at least one common owner and common inventor with U.S. application serial no. 10/690,802, filed October 21, 2003, now U.S. patent 7,205,328, which claims the benefit of U.S. provisional patent application nos. 60/420,482 and 60/420,481, each filed on October 21, 2002.

Conclusion

In summary, claims 1-4, 23-38 and 42-43 are allowed. As dependent claims 47-50 contain all the limitations of independent claim 1 and 23, Applicant submits that new claims 47-50 are also allowable. In the event that the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-1885** referencing docket No. P1080US20.

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Respectfully submitted,



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